IN THE
DISTRICT COURTS OF DALLAS, COUNTY TEXAS

STEVE WEINBERG *

Plaintiff *

vs. *

NATIONAL FOOTBALL LEAGUE PLAYERS ASSOCIATION, et al. * Case Number: DC-06-11845-D

*

Defendant

* * * * * * * * * * * *

AFFIDAVIT OF DUE DILIGENCE

STATE OF MARYLAND)
: ss
COUNTY OF HARFORD)

to wit:

Before me, the subscriber, a Notary Public in and for the State of Maryland, County of Harford, did appear Mr. J. Matthews Manlich and Mr. Andre S. Powell, who made oath in due form of law as follows:

1. That each is a competent individual over eighteen years of age and not a party to the above action.

2. That Mr. Manlich and Mr. Powell serve process in the State of Maryland.

3. That on November 29, 2006, Special Delivery Service, Inc. received from the Law Offices of Wallace Dunwoody a Citation and Plaintiff's First Amended Petition. That the instructions were to serve Tony Agnone at 11350 McCormick Road Suite 800, which is in Hunt Valley, MD

4. That on November 29, 2006, Mr. Manlich went to 11350 Mc Cormick Road Ste.800, which is in Hunt Valley, MD 21031. That Mr. Manlich was told Mr. Agnone was not in the office , but that he should be there on November 30, 2006.

5. That on November 30, 2006, Mr. Powell tried to reach Mr. Agnone. That he reached Mr. Agnone's voice mail and left a message.

6. That on December 1, 2006 at 9:52AM, Mr. Manlich tried to reach Mr. Agnone. That he had no success. That Mr. Manlich returned at 3:51PM. That he was told the Defendant was not in the office and to try on December 2, 2006.

7. On December 2, 2006, Mr. Powell spoke to Mr Knoll, who stated that he would have Mr. Agnone call.

tabbies EXHIBIT A

Dockets.Justia.com

8. That Mr. Agnone did not call.

9. That on December 4, 2006 at 9:24AM, Mr. Manlich called Mr. Agnone. That he reached the corporate voice mail.

10. That Mr. Agnone did not call.

11. That later that morning, Mr. Powell called. That That Mr. Powell spoke to Susan, who told Mr. Powell that Mr. Agnone was on another line. That Mr. Powell left immediately to go to 11350 Mc Cormick Road in Hunt Valley, MD. That when he got there, Mr. Powell was told Mr. Agnone was running some erands. That Mr. Powell was told that they did not know when or if he would be returning. That Mr. Powelll left his name and number with a request that Mr. Agnone call.

12. That Mr. Agnone did not call.

That Special Delivery Service, Inc. believes that it has demonstrated due diligence in its efforts to effect service of process on the Defendant, and that future efforts are not apt to be successful.

J. Matthews Manlich
Special Delivery Service, Inc.
5470 L. B. J. Freeway
Dallas, TX 75240
800.352.7290

Andre S. Powell
Special Delivery Service, Inc.
5470 L. B. J. Freeway
Dallas, TX 75240
800.352.7290

SUBSCRIBED AND SWORN TO BEFORE ME A NOTARY PUBLIC FOR THE STATE OF MARYLAND on this 8th day of January, 2007

Betty A. Brown
My Commission Expires: 12/1/07